

**TESTIMONY OF TIM LUECKENHOFF
PRESIDENT, ASSOCIATION OF BOXING COMMISSIONS**

**Before the Subcommittee on Consumer Affairs, Foreign Commerce and Tourism of the
Senate Committee on Commerce, Science and Transportation
Re: Oversight hearing on professional boxing**

As the President of the Association of Boxing Commissions (“ABC”), an organization of 46 state and tribal boxing commissions located throughout the United States, my sincere appreciation is extended to this Subcommittee for this opportunity to present testimony. My testimony will address current issues and problems facing professional boxing, the success of current federal legislation and the ABC’s recommendation for further legislative reform.

Professional boxing is the only major sport in the United States, which operates in the absence of any private sector association, league, centralized association or collective organization to establish and enforce uniform rules, business practices and ethical standards. Other than the federal laws discussed below, State and tribal boxing commissions have been left to enact and enforce laws and regulations, applicable only within the borders of their respective states and tribal lands, which provide certain safeguards to the boxers, both physically and economically. However, these state and tribal laws and regulations are varied with differing degrees of stringency and enforcement.

The enactment of the Professional Boxers Safety Act of 1996, codified as 15 U.S.C. §6301, *et seq.* (hereinafter, “PBSA”), for the first time, provided a federal mandate as to certain minimal safeguards and requirements applicable to *every* professional boxing contest held within the United States. One of the most significant and far-reaching of these reforms was the requirement that a boxer secure, and produce, a federal identification card as a prerequisite to the boxer’s participation in every

boxing contest held in the United States. This effectively eliminated such untoward activity as, for example: (1) a boxer being knocked out during a fight in one state on Friday night and, then, participating in a fight on Saturday night in another state under a false name; and (2) a promoter illegally transporting an individual across the U.S. border to participate in a fight under an assumed name, and, following the individual being knocked out in the first or second round (thus, enhancing the record of the boxer under contract to the promoter), dumping the beaten individual back into the country from whence he came. The PBSA also mandated minimal protective measures such as: (1) a physical examination of each boxer by a physician certifying whether or not the boxer is physically fit to safely compete; (2) the continuous presence of a ringside physician, as well as an ambulance or medical personnel with appropriate resuscitation equipment, at each boxing contest; and (3) health insurance for each boxer to provide medical coverage for any injuries sustained in a boxing contest. The PBSA also prohibited certain conflicts of interest; expressly barring, among other things, a member or employee of a boxing commission from belonging to, or receiving any compensation from, a sanctioning organization, a promoter or any other person having a financial interest in an active boxer.

In the year 2000, amendments to the PBSA were enacted as the “Muhammad Ali Boxing Reform Act.” These amendments focused primarily on economic, as opposed to safety, reforms; specifically addressing disreputable and coercive business practices, pervasive in the boxing industry, such as: (1) unexplained and unjustified changes in the ratings of boxers by sanctioning organizations (in some instances premised upon the payment of briborous monies, as opposed to the record of a boxer), (2) questionable scoring by judges who are members of sanctioning organizations, (3) boxers being

coerced into signing inequitable contracts with promoters as a condition of being able to participate in a boxing contest against a particular opponent, and (4) promoters unjustly deducting significant portions of a boxer's purse for the promoter's own use. In light of this legislation, sanctioning organizations are now required to, among other things: (1) annually submit to the FTC or, in the alternative, publish on the Internet, its written criteria for the ratings of boxers; (2) post on the Internet an explanation for changing the rating of a boxer previously rated among the top ten; and (3) provide boxers with notice that the sanctioning organization will, upon request of the boxer, provide the boxer with a written explanation of the organization's rating criteria, its rating of the boxer, and its rationale for such a rating. Sanctioning organizations also are required to provide to the applicable boxing commission: (1) all charges it will assess a boxer participating in an event sanctioned by the organization; and (2) all payments the organization will receive for its affiliation with a boxing event from the promoter, the host of the event and any others.

As to promoters, the "Muhammad Ali Boxing Reform Act" requires the promoter to make certain disclosures to the applicable boxing commission and to the boxer. As to the boxing commission, the promoter is to disclose: (1) a copy of any written agreement between the boxer and the promoter, as well as a statement, made under oath, that there are no other written or oral agreements between the promoter and the boxer regarding a particular boxing contest; (2) the amount of the boxer's purse the promoter will receive, as well as all fees and expenses that will be assessed by, or through, the promoter to the boxer including training expenses; (3) the amounts of compensation or consideration the promoter has contracted to receive as a result of the boxing contest; and (4) any reduction in the boxer's purse contrary to the terms of the contract. In addition, the promoter is to disclose to the boxer

Items (2), (3), and (4), above.

The “Muhammad Ali Boxing Reform Act” also requires judges and referees to disclose to the appropriate boxing commission a statement as to all consideration, including reimbursement for expenses, that the judge or referee will receive from *any* source for participation in the match.

While the various provisions of this federal legislation provide the basis for major reform in an industry historically fraught with inequity, impropriety and, in some instances, criminality, additional measures are needed; particularly as to *enforcement*. Pursuant to the above-referenced federal laws, the Attorney General of the United States may bring a civil action in the appropriate U.S. District Court, based upon “reasonable cause,” including the seeking of injunctive relief or the obtaining of an order to restrain a person from engaging in any activity that constitutes a violation of these provisions. In addition, the “chief law enforcement officer” of a state who has reason to believe that a person or organization is engaging in practices that violate these provisions may seek an order of court enjoining the holding of a boxing contest in which the practice is involved; enforcing compliance with these provisions; and seeking the imposition of prescribed fines. Further, any boxer who suffers economic injury as a result of a violation of any provision of these federal laws may bring an action in the appropriate federal or state court and recover damages.

Notwithstanding these enforcement provisions, the ABC is not aware of *any* such court actions *ever* having been brought by the U. S. Attorney, the chief law enforcement officer of a state, or a boxer. It is not known if the problem is in the non-reporting of violations by the boxers or others for fear of reprisal by unethical promoters and/or sanctioning organizations, the non-detection of violations by the

respective boxing commissions, the non-involvement of law enforcement, or otherwise. Accordingly, there appears to be the need for the administration of these federal laws on a nation-wide basis. While the ABC is in place and has the potential to perform such a function, it has been, and continues to be, without any source of funding. The measures that the ABC do take are performed gratuitously by a handful of individuals who serve on the respective boxing commissions which form its membership. The needed administration of the federal laws could be accomplished by either: (1) providing funding for the ABC toward this end, or (2) creating a federal boxing administration. In either instance, it would be imperative to maintain the autonomy of the state and tribal boxing commissions, but, at the same time, provide for an entity to administer the federal laws in support of the respective boxing commissions.

In addition to these amendments to existing federal law, the ABC recommends the following additional provisions.

First, there should be a federal mandate that judges and referees are to be assigned to each boxing contest, including championship matches, *solely* by the boxing commission that is regulating the boxing contest without any interference from a sanctioning organization. The need for such a measure is evidenced by an incident which occurred last year in regard to a nationally televised, championship fight held in a mid-Western state. Well before the date of the fight, as to the officials who would “work” the fight, the sanctioning organization and the state boxing commission agreed that the sanctioning organization would designate the referee and one judge, and that the state boxing commission would designate the other two judges. Less than five minutes before the live nation-wide televised coverage was to commence, a representative of the sanctioning organization threatened a state boxing commission member with a withdraw of the organization’s sanction, reducing the status of the fight to a non-title one,

if the state boxing commission did not agree to replace one of the judges designated by the state boxing commission with a judge designated by the sanctioning organization. The state boxing commission member capitulated.

As a curative measure regarding championship matches, federal legislation could provide for the following procedure. Based upon certain prescribed criteria, the respective boxing commissions would submit to the ABC or a federal boxing administration a list of names of those judges and referees deemed to be worthy of officiating at a championship match from which a “pool” of such qualified judges and referees may be comprised. As a prerequisite to being placed on such a list, all judges and referees would be required to participate in mandatory training courses and then be tested by the ABC or a federal boxing administration to ensure that the official possesses the requisite skills necessary to effectively perform. The boxing commission where the championship match is to take place would then select from this “pool” of officials, again without any interference from a sanctioning organization, the judges and referee who would officiate at the championship match.

Second, boxing contests held in a state, or on tribal land, where there is not a boxing commission should be permitted only if the promoter agrees, among other things, to provide liability insurance coverage for each member or representative of the boxing commission from another state who will participate in the regulation of the boxing contests held in the state, or on tribal land, without a boxing commission. This is necessary, as the sovereign immunity which may provide such protection when the boxing official performs such duties in his or her own state does not attach when the boxing official is functioning in a different state.

Third, there is the need to provide for the reciprocal enforcement of *all* suspensions imposed by a boxing commission. Currently, such reciprocal enforcement is applicable only to those suspensions imposed on boxers for: (1) recent knockouts or a series of consecutive losses, and (2) an injury, ordered medical procedure, or physician denial of certification. If, for example, one boxing commission suspends a boxer for falsifying documents or for inappropriate behavior, the boxer should not be able to totally negate the suspensive sanction merely by traveling to another state. Similarly, if a suspensive period is imposed on a licensee other than a boxer, such suspension, likewise, should be reciprocally enforced.

Fourth, additional mandatory safety measures should be enacted, such as a requirement that each boxing commission develop criteria for the review of each boxer's boxing record (win-loss-draw / knock-outs), suspensions (medical and otherwise) and other relevant matters which serve as a basis for licensure.

Fifth, there should be a federal provision for the creation of a centralized medical data bank into which all medical examinations undergone by every licensed boxer is placed, with this information being accessible to each boxing commission. This would assist each boxing commission in determining if a license should be issued, and may avoid a boxer having to duplicate such medical exams in regard to each jurisdiction in which he or she seeks licensure. In this regard, a "medical information release" form should be signed by those boxers who agree to do so.

Sixth, currently the federal law provides that "it is the sense of Congress" that certain "health and safety disclosures" be made to a boxer including the risks associated with boxing and the risk and

frequency of brain damage. It is suggested that such disclosures be made mandatory, and that the disclosure be made at the time of the issuance of a federal identification card. The boxer should be required to sign a document acknowledging that such disclosures were made.

Seventh, promoters should be required to post a collateral (*e.g.*, surety bond, irrevocable letter of credit, cash) to ensure the payment of all purse monies and other expenses.

While it certainly is not suggested that the adoption of these measures would constitute a panacea as to the problems attendant to professional boxing, the adoption of such measures would provide significant inroads toward improving the safety, economics and integrity of the sport of professional boxing.

Respectfully submitted,

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Association of Boxing Commissions